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## John Davis of York and His Thanksgiving Proclamation of 1681

Henry Herbert Edes

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JOHN DAVIS OF YORK  
AND HIS  
THANKSGIVING PROCLAMATION  
OF 1681

BY  
HENRY HERBERT EDES

---

Providence of Mayne in New England y<sup>e</sup> 7<sup>th</sup> of Decemb<sup>r</sup>  
1691

You, & all of us being sensible of y<sup>e</sup> goodness of y<sup>e</sup> Lord in Remitting  
Mercy, to ward his People in y<sup>e</sup> Wilderness, in the midst of  
Judgment, so we have had experience of peace, in y<sup>e</sup>  
Time of y<sup>e</sup> late Drought, he did graciously incline  
his Ear, to y<sup>e</sup> Prayers of his People, in sending downe  
seasonable Showers of blessing from Heaven, so as y<sup>e</sup>  
the Harvest this Year, hath not wholly failed, as once  
was Cause to feare, it might have done being also  
sensible of y<sup>e</sup> divine favour as yett Continued to us  
in Respect of our Liberties, both Civill, & Sacra, & y<sup>e</sup>  
Publick Peace, & Health, so God hath y<sup>e</sup> last year  
closed y<sup>e</sup> Year with y<sup>e</sup> Thankfullness for such in-  
valuable Mercies is y<sup>e</sup> way still to enjoy them.

Therefore By Advice of y<sup>e</sup> Honored President  
of this Province.

Doe appoint y<sup>e</sup> 21<sup>st</sup> of this instant Month Decemb<sup>r</sup>  
to be observed, as a day of publick Thanksgiving,  
throughout this Province, & doe hereby prohibitt  
all servill Labor one y<sup>e</sup> day, Exhorting all both  
Ministers, & People, solemnly to Pray y<sup>e</sup> Lord, for these  
greatt things, so he hath heatherto done for us.  
So bin always abasly profet.



JOHN DAVIS OF YORK  
AND HIS  
THANKSGIVING PROCLAMATION  
OF 1681

BY  
HENRY HERBERT EDES

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## JOHN DAVIS OF YORK.

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AT a Stated Meeting of THE COLONIAL SOCIETY OF MASSACHUSETTS, held in the Hall of the American Academy of Arts and Sciences, on Wednesday, 19 January, 1898, Mr. HENRY H. EDES read the following paper<sup>1</sup> on —

JOHN DAVIS OF YORK  
AND HIS  
THANKSGIVING PROCLAMATION OF 1681.

WHILE searching recently among my papers for another document, I came upon a small sheet  $8\frac{1}{8} \times 5\frac{3}{4}$  inches in size, which proved to be an original Proclamation of Thanksgiving, issued on the seventh of December, 1681, by the Deputy-President of the Province of Maine. The text of this State Paper, which I have brought here for your inspection, is as follows: —

Provence of Mayne in New England ye 7th of Decemb<sup>r</sup>  
1681

You, & all of us being sensible; of ye goodness of ye Lord in Remembering Mercy, to wards his People in ye Wilderness in the midst of Judgment, wch we have had Experience of, since in ye time of ye late Drought, he did gratically inclaine his Ear, to ye Prayrs of his People, in sending downe seasonable Showers of Blessings from Heaven, so as yt the Harvist this yeare, hath not wholly failed, as once was Cause to feare itt might have done being alssoe sensible of ye devine favour as yett Continued to us in Respect of our Liberties, both Sivill, & Sacred, & ye Publick Peace, & Health, wch God hath ye Last yeare: blessed ye Land with, & yt Thankfullniss for such invaluable: Mercies is ye way still to enjoy them.

<sup>1</sup> This paper is printed on pages 167-186 of volume v. of the Society's Publications, — this page there appearing as page 167.

Therefore

By Advice of ye Honored President  
of this Provence

I doe appoint ye 21st of this instant Mounth Decembr to be observed, as a day of publick Thanksgiveing, throughout this Provence, & doe hereby prohibitt all servill Labore one ye sd day, Exhorting all both Ministers, & People, sollemly to Prays ye Lord, for these greatt things, wch he hath heather to done for us.

JOHN DAVIS *Depty presnt.*<sup>1</sup>

Failing to find any recognition of this paper in Dr. Love's Fast and Thanksgiving Days of New England, or any reference in print to this official act of the Provincial Executive, I submitted a copy of the Proclamation to the Hon. Joseph Williamson, one of the highest living authorities on matters pertaining to the history of Maine. In due time I received from Mr. Williamson the following statement: —

“An examination of all the historical works bearing upon Maine history during the administration of President Danforth, and his Deputy, John Davis of York, satisfies me that the interesting Thanksgiving Proclamation of 1681 has never appeared in print. Although every subject of public interest, following the usage and example of Massachusetts, came under the cognizance of these magistrates, and the court over which they presided,<sup>2</sup> I do not find any allusion to this official

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<sup>1</sup> This line is wholly in the handwriting of John Davis.

<sup>2</sup> The following extract from the York Court Records is of interest in this connection: —

“At a Generall Assembly houlden at Yorke June 28th: 1682: An order of the President for a sermon Annually on thursday, being the second day after the Meeting of ye Generall Assembly,

It being the Hons<sup>e</sup>: [<sup>o</sup> Hono<sup>r</sup>] as well as the duty of Civill Magestrates, to Incorage the Ministrey & worship under y<sup>e</sup> jurisdiction, which by reason of the absence of the Cheefe Magestrate of this Province and y<sup>e</sup> remootness of the Ministers habitations, y<sup>e</sup> is a want of oportunity for the knowledg of them,

It is y<sup>r</sup>fore ordered by y<sup>e</sup> President & Councill, that upon y<sup>e</sup> second day of the Meeteing of this Generall Court Annually some one of y<sup>e</sup> Reverend Elders or Ministers bee desired to preach a sermon to y<sup>e</sup> Generall Court, for the better promoteing of an acquaintance between the Government & Ministers & that o<sup>r</sup> Civill transactions may be Sanctified by the word and prayer, the Annual Choyse to be made by the President, or in case of falure to bee seasonably supplyd & done by the Deputy President & Councill, June 29: 82: Mr. Dummer was nominated for y<sup>e</sup> next yeare 1683.”

This extract was communicated by Mr. Nathaniel Jones Herrick, of Alfred, Maine, to the New England Historical and Genealogical Register for January,



paper.<sup>1</sup> . . . I regret that so little concerning Deputy-President Davis, who issued it, can be found.”<sup>2</sup> Mr. Williamson added that “the Gorges Charter is broad enough to authorize such a Proclamation . . . and to enforce its observance.”

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1874, xxviii. 86. An examination of Mr. Baxter's copy of the York Court Records failed to reveal this entry. It should be noted, however, that the lack of chronological sequence in the entries in these Records may account for the inability of my correspondent to secure a citation of the volume and page where this Order appears.

The first printed broadside of a Thanksgiving Proclamation in Massachusetts appeared in June, 1676. The only known copy is in the Library of the Massachusetts Historical Society. It was reproduced by Dr. Love in his *Fast and Thanksgiving Days of New England* (facing p. 200).

<sup>1</sup> The Rev. Henry Otis Thayer, who made for me more than one examination of Mr. Baxter's indexed copy of the York Court Records (1636-1686), could discover no reference whatever to the Proclamation in the text, or to the event to which it relates, but he found the following Orders for the issue of two other Proclamations, — one for a Fast, the other for a Day of Thanksgiving — both during the administration of John Davis, to whose influence or suggestion it is not improbable that these State Papers owe their origin: —

#### I.

“Considering the many frowneing providences of god w<sup>ch</sup> daly hang over o<sup>r</sup> heads as signall tokens of gods great displeasure the certen aeffects of o<sup>r</sup> sins y<sup>t</sup> have turned his smiles into frowes — upon us — for diverting w<sup>t</sup>/of & for y<sup>e</sup> obtayneing of his wonted kindness If it bee his blessed Will Its y<sup>r</sup>fore ordered by this Court y<sup>t</sup> bee a day of Solleme humiliation kept throughout y<sup>e</sup> Province upon the 3d Weddensday being the eighteenth day of May next Insewing w<sup>ch</sup> all Ministers & such who feare y<sup>e</sup> Lord are required to observe, & all other p<sup>r</sup>/sons are prohibited from doing any scervile labour upon that day as they will avoyd the Courts displeasure.” (Court of Pleas held at York, 6 April, 1681, iv. 84).

#### II.

##### “Day of thanks giveing

W<sup>r</sup>/as this Court is Informed that the life of his Majesty hath been in great Hazard made by some disaffected p<sup>r</sup>/sons against his Majestys Royall person and Dignity — and some other additionall fau<sup>ors</sup>: of priuiledges and peace yet Continued to us.

These things Considered, this Court Judgeth meete to appoynt a solleme day of thankesgiuing throughout the province to bee kept by all his Majestys good subjects — the Inhabitants y<sup>r</sup>/of upon the last Weddensday of this Instant October, who are hereby p<sup>r</sup>/hibited from all servile labour on y<sup>t</sup> day w<sup>ch</sup> is to bee set apart and Deuoted wholly to render prayes unto god for his great goodness & mercys towards us therein.” (Court of Sessions held at Wells, 9 October, 1683, iv. 297, 298.)

In connection with this Proclamation we find the following entry, which

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<sup>2</sup> A very brief sketch of Davis, filling less than a dozen lines, is in William Durkee Williamson's *History of the State of Maine*, i. 671.

In 1622, Sir Ferdinando Gorges and John Mason obtained from the Plymouth Company a grant of all the territory between the Merrimac and Kennebec rivers.<sup>1</sup> The following year they planted a Colony which occupied both sides of the Piscataqua; and in 1630 the town of York—at first called Agamenticus, and later Gorgeana—was founded.<sup>2</sup> In 1639, after the surrender of the Plymouth Charter to Charles I., Gorges secured a confirmation of his grant, with more ample powers of government than had ever before been conferred upon a subject. The name which the State now bears first appeared in this Charter,<sup>3</sup> which required its adoption.

The government of Gorges, which was but little less than an

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suggests the possibility of some public feeling of disfavor which caused the postponement of this public Thanksgiving for nearly a year.

“An Order about a day of  
thankesgiveing —

This Court ordereth y<sup>t</sup> y<sup>e</sup> day of thankesgiveing formerly appoynted by authority & suspended upon some mature Considerations is now by y<sup>s</sup> Court determined to be kept in Yorke, Kittery & Wells upon the first Weddensday in Sept<sup>eb</sup>r next Insewing according to the former order.” (Court of Sessions held at Wells, 20 November, 1683, iv. 303.)

I am indebted to Mr. James Phinney Baxter for permission to consult this valuable manuscript, and throughout this paper my citations by volume and page from these Records are from Mr. Baxter's copy.

The Fifth Volume of York Deeds, Part II. of which is devoted to a transcript of a later portion of the Court Records of the Province, contains the following entries which are of present interest:—

At a Court of Pleas, held at York, 25 February, 1690-91, — the last Court which John Davis is known to have attended as Deputy-President —

“A Day of publick humiliation appointed to be kept the third Wednesday in March next & all servile labour is forbidden on that Day” (p. 9).

At a Court of Sessions, held at York, 6 October, 1691, shortly after Davis's death, —

“It is ordered that there be a Day of publick thanksgiueing kept on the fift Day of November next & all servile Worke on that Day is hereby prohibited” (p. 12).

<sup>1</sup> Palfrey's History of New England, i. 205, 397, *note*, 400, *note*, and 402, *note*.

<sup>2</sup> See the Petition of Edward Godfrey, the founder of York, to the General Court of Massachusetts, in Massachusetts Archives, iii. 235. The document is not dated, but the Order thereon, signed by Edward Rawson, bears date “30 october 54.”

<sup>3</sup> The full text of this document is in Sullivan's History of the District of Maine, pp. 397-408, and Hazard's State Papers, i. 442. Cf. Palfrey's History of New England, i. 402, *note* 1.



absolute sovereignty, continued till 22 November, 1652, when Massachusetts assumed jurisdiction over the Province. On 6 May, 1677, Gorges's heirs, for £1250, sold all their rights to the Governor and Company of the Massachusetts Bay, who thus became Lord Proprietor of Maine.<sup>1</sup> The question at once arose — How shall the Province be governed? The answer was obvious: It must not be governed as a constituent part of Massachusetts, but according to the provisions of the Gorges Charter.

“It was determined, therefore, by the General Court, in February, 1679–80, to assume the royal charter granted to Sir Ferdinando Gorges; and in conformity with its provisions, to frame a civil administration over the Province. For this purpose, the general oversight and direction of its affairs were, by a legislative ordinance, committed to the Governor and Board of Colony Assistants. The government they established, was this — to have a *Provincial President*, chosen by them from year to year, and two legislative branches; — the upper one was to be a *Standing Council* of eight members, and the other to be a popular delegation, consisting of *deputies* chosen by towns as in Massachusetts. The Council, who were to be appointed by the Board of Assistants, and continue in office during their pleasure, were to be the judges of a Supreme Court, and magistrates through the Province. The legislative body was to meet at least once in every year. . . . The provincial charter itself was generally acknowledged to be excellent; — containing more privileges, and less restrictions, than any other of similar character, which had received the royal signature.”<sup>2</sup>

Under the new régime, the freeholders of the Province met at York, on the seventeenth of March, 1679–80,<sup>3</sup> when proclamation was made of the action of the Governor and Assistants of the Massachusetts Bay, — among other things, of the appointment of Thomas Danforth as President.<sup>4</sup> Warrants were issued for the

<sup>1</sup> Palfrey's History of New England, iii. 312 and notes, 399–402 and notes.

<sup>2</sup> Williamson's History of the State of Maine, i. 558, 562.

<sup>3</sup> York Court Records, iii. 383. Cf. York Deeds, iii. (*Preface*) 9, note 5.

<sup>4</sup> Massachusetts Colony Records, i. 286; York Court Records, iii. 383. Danforth held the office until the arrival of the Second Charter, in 1692, except during the administrations of Dudley and Andros. For notices of Thomas Danforth, see New England Historical and Genealogical Register for 1853, vii. 315–321; Williamson's History of the State of Maine, i. 673; Palfrey's History of New England, ii. 514; iii. *passim*; and Paige's History of Cambridge, p. 530.

choice of deputies to the General Assembly which convened at York on the thirtieth of March.<sup>1</sup> Major Bryan Pendleton was the first Deputy-President, and as such, and in the same year, he signed a petition to the King "for aid in rebuilding the towns wasted and desolate" in consequence of the late Indian War. Pendleton was also senior member of the Standing Council first appointed,<sup>2</sup> and held both offices at the time of his death in 1681.<sup>3</sup>

John Davis of York, also a member of the first Standing Council, and a member of that Board until his death, succeeded Pendleton in the Deputy-Presidency; and Williamson says that they appear to have been the only incumbents of this office,<sup>4</sup> which, by reason of Danforth's residence in Cambridge, became one of much importance. Davis held it, probably, until his death, in 1691, and certainly until the twenty-fifth of February, 1690-91, except during the time when Dudley and Andros ruled New England. Captain Francis Hooke also held the office of Deputy-President for a short time, as I shall presently show, but how soon after 25 February, 1690-91 his term began does not appear.<sup>5</sup>

<sup>1</sup> York Court Records, iii. 384.

<sup>2</sup> Williamson's History of the State of Maine, i. 565.

<sup>3</sup> *Ibid.* i. 563, 564, 686. His will, dated at Portsmouth, New Hampshire, 9 August, 1677, was proved 5 April, 1681. (Maine Wills, pp. 59-61; and York Deeds, v. (Part I.) 5).

It is a curious fact that although Pendleton was the first incumbent of this office, and as such presided at the Courts held at Kittery, in April, and at Wells, in June, 1680 (York Court Records, iv. 59, 203), Davis is designated as Deputy-President in the List of persons "chosen & Deputed" by the authorities of the Bay to constitute the "Court & Counsell" which were to administer the Province during the first year. Pendleton's name follows that of Davis, — apparently as senior member of the Standing Council. The Record proceeds:—

"These severall Gentlemen . . . are Commissionated for the yeare Insewing untill others bee by them chosen & sworne in there rounge & stead who have all taken y<sup>e</sup> oaths of Allegiance to his Majesty & their oaths as Magistrates & Just<sup>s</sup> of the pea: before the Honorable Thomas Danforth, prsd<sup>t</sup>." (York Court Records, under date of 17 March 1679-80, iii. 383.)

Davis was elected to the Deputy-Presidency at a second election at York, held 30 June, 1681. (*Ibid.* iii. 397.)

<sup>4</sup> Williamson's History of the State of Maine, i. 558, *note*, 671.

<sup>5</sup> Nowhere do I find a record of Hooke's appointment or election to this office, but that he held it there can be no doubt. See York Deeds, v. (Part I.) 72, (Part II.) 11, 12.

The printed accounts of John Davis are extremely brief, but I have collected from various sources the following facts concerning him. His ancestry, and the dates of his own and his children's birth, of his marriage, and of his death, do not appear. Probably the Town and Church Records, which perished when the town was destroyed by the Indians on the twenty-fifth of January, 1691-92,<sup>1</sup> would have supplied, in part, these deficiencies. Fortunately, a Deposition<sup>2</sup> is preserved in which Davis states his age. It is dated 30 May, 1683. In it he gives testimony concerning William Hilton, father and son, and the former's residence in York, and describes himself as "Majo<sup>r</sup> John Dauess, aged 70 years, or y<sup>a</sup>bouts." This fixes the date of his birth as in the neighborhood of 1613.

Savage locates John Davis at York as early as 1650, but, apparently, knows nothing of his antecedents. I have recently found a document which may throw some light upon this question. In 1679, John Davis and Samuel Sayward, both of York, executed an instrument<sup>3</sup> under their appointment, 5 April, 1675, by John Knowlton of Ipswich, to sell his house in York. In Felt's History of Ipswich (pp. 11, 12) the names of John Davis and John Knowlton appear, in 1639, in the List of First Settlers. John Knowlton's will,<sup>4</sup> made 29 November, 1653, proved 28 March, 1654, mentions, among others, his brother William and son John. The name of the son John, who gave the Power of Attorney,<sup>3</sup> appears in the List of men impressed for the Narraganset expedition, 30 November, 1675.<sup>5</sup> He was admitted a Freeman 13 October, 1680, at

<sup>1</sup> Belknap's History of New Hampshire (edition of 1784), i. 264; and 1 Massachusetts Historical Collections, iii. 8.

<sup>2</sup> York Deeds, iii. 125.

<sup>3</sup> York Deeds, iii. 56, — two instruments. Knowlton's Power of Attorney to Davis and Sayward, in the form of a personal letter, is recorded (*Ibid.*) with this instrument. It is historically interesting, and reveals his whilom purpose to remove from Ipswich to York and its subsequent abandonment; and the fact that he had built a house in York on land given him by his much respected friend Captain John Davis "vpon my settleing there." He adds, "w<sup>t</sup> Cap<sup>t</sup> Davess his Accop<sup>t</sup> Cometh to I purpose to giue in w<sup>h</sup> hee comes to this Town," — *i. e.* Ipswich. *Cf. post*, p. 174.

<sup>4</sup> Ipswich Court Records, i. 138 (original); i. 390, 391 (copy). These Records are in the Essex Registry of Deeds, at Salem.

<sup>5</sup> Felt's History of Ipswich, Essex, and Hamilton, p. 323.



which time he was living in Wenham;<sup>1</sup> and the Ipswich Town Records give the date of his death as 8 October, 1684.<sup>2</sup>

The discovery of this instrument led me to make a personal examination of the manuscript Records of the Town of Ipswich, which show that John Davis and John Knowlton (Senior) were Commoners in Ipswich on "the last day of the last month; 1641" (p. 99); that John Davis kept the cow herd on the North side of the river, in 1642 and 1643 (pp. 100, 101, 107, 108); and that in December, 1648, he and John Knowlton were among the subscribers to the annual stipend to be given to Major Daniel Denison "while he continued to be our Leader" (pp. 149, 150). About the same time (8 February, 1647-48) "John Davis of Jubaque<sup>3</sup> within the bounds of Ipswich," shoemaker, for £4.15.00, sold to Daniel Rindge of Ipswich, fisherman, a six-acre lot at Heartbreak Hill in Ipswich, bounded: westerly by land of William Knowlton,—the uncle of John Knowlton (Junior); easterly by land of Humphrey Griffin and the widow Woode; northerly by land of Simon Thompson; and the lower or South end by the "highwaye leading from labor in vain bridge to the toune of Ipswich."<sup>4</sup> Under date

<sup>1</sup> Massachusetts Colony Records, v. 540; and New England Historical and Genealogical Register for 1849, iii. 246.

<sup>2</sup> The Essex Probate Files (No. 16,075) contain "An Inventory of the estate of Jn<sup>r</sup> Knoulton of Ipswich: deceased Octob<sup>r</sup> 8th 84," which foots £13.03.9; and a List of Debts due from the estate amounting to £101.18.00, which includes this item: "good wife Davis £5.00.00."

<sup>3</sup> The parish of Chebacco (now the town of Essex) is here referred to.

<sup>4</sup> Ipswich Court Records (in Essex Registry of Deeds), i. 59 (original); i. 190-192 (copy). No wife joins in this deed, which is signed by a mark. There is a brief notice of Davis in the Hammatt Papers (1854), p. 70, but Hammatt appears to have known nothing of his antecedents or of his career after 1648.

There is also in the Ipswich Court Records (i. 166, 167, original; i. 461-463, copy) another deed, dated 10 April, 1655, from John Davis of Ipswich, whose occupation is not mentioned, "with the consent of my wife," Alice, who also joins, to Daniel Rindge of thirty-five acres of land, in two parcels, with the buildings thereon, in Ipswich. Both of these grantors sign by a mark. This John Davis, doubtless, was identical with the grantor in the deed of 8 February, 1647-48, but I believe that the conveyance of 1655 was made after Davis had taken up his abode in York. It is by no means improbable that he left his wife in Ipswich until he could establish himself in his new home, and that about the time of the sale of this property to Rindge she had

of 30 December, 1642, I found in the Town Records the following mandate: —

“It is ordered that Mr. Firman and Tho: Scott, the late Constables, shall forthwith pay to Jo: Davis iiij<sup>s</sup> for goeing with the Deputy Governr<sup>1</sup> to Cape Ann — 0 — 4 — 0 ” (p. 105).

The last reference that I found is in the following entry: —

“ 26th of the 10th m 51.

John Davis is granted to have halfe an acre of ground adjoining to his own Land, in consideration of the highway leading to Chebacco laid out through his Land ” (p. 169).

Neither John Davis nor his family — if he had any during his residence in Ipswich — appears in the vital records of the Town by so much as a single entry.

In less than twelve months after the permanent disappearance of John Davis's name from the Ipswich Town Records we find a man of the same name taking the oath of a Freeman of the Massachusetts Bay Colony at Agamenticus,<sup>2</sup> — on the twenty-second of

joined her husband. That Capt. John Davis of York was in the habit of visiting Ipswich, there would seem to be no doubt. (*Cf. ante* p. 173, *note* 3.) I find no other conveyances by John Davis of Ipswich, in either the Ipswich Court Records, the old Norfolk Records, or the Essex Deeds.

<sup>1</sup> John Endicott. While a resident of Ipswich, John Davis, as we have seen, lived at Chebacco and held land north of the river, at Heartbreak Hill from the summit of which, on a clear day, may be seen the top of Mount Agamenticus. Our associate, Mr. Abner C. Goodell, Jr., calls my attention to the fact that from this neighborhood it is possible to proceed to Gloucester (Cape Ann) by way of Annisquam, and that, in all probability, Endicott took this route, in 1642, when accompanied by Davis, instead of going by way of Cape Ann side (*i.e.* Beverly and Manchester) along shore all the way.

<sup>2</sup> A comparison of the List of early inhabitants of Ipswich in Felt's History of the Town (pp. 10–13) with the Lists of Freemen sworn at Agamenticus, Wells, Saco and Cape Porpoise, in 1652 and 1653, reveals the fact that the names of John Baker, John Davis, Joseph Emerson, John Saunders, and John West appear in both, and suggests the probability that these men, or their sons of the same names, removed permanently — or temporarily, as did John Knowlton — from Ipswich to the Province of Maine. Emerson, we know, was in Wells as early as 4 July, 1653, and minister of the First Church in Wells from 1664 till 1667; and Felt says that he preached in York 1648 and 1663. (Massachusetts Colony Records, iv. (Part I.) 129, 158, 162, 164, (Part II.) 84; Bourne's History of Wells and Kennebunk, Maine, pp. 25, 103, 104; and



November, 1652. At the same time the oath was taken by another

Felt's Ecclesiastical History of New England, i. 548; ii. 118, 320, 389. See also New England Historical and Genealogical Register for 1849, iii. 193; and Savage's Genealogical Dictionary of New England, i. 96; ii. 18, 118; iii. 614; iv. 20, 21, 487, 488.)

The York Court Records (i. 137, 138) show that John Davis witnessed a deed of land from John Lander and John Billin of "Pascataquack," to Joseph Milles, 28 February, 1639-40; and (i. 180) that certain claims of Francis Champernown v. John Tomson and of John Tomson v. Thomas Withers, for £40 and £50, respectively, were referred to Nicholas Shapleigh, William Hilton, John Alcocke and John Davis, as arbitrators, 25 October, 1650. John Davis also witnessed a deed from George Cleaves and Richard Tucker of Casco Bay to John Moses "now of Piscataq River," 6 April, 1646 (York Deeds, i. (Part I.) 109). These entries indicate that Davis was at York before settling at Ipswich, and that he returned, temporarily, to York before making it his permanent place of abode about 1652. The second entry also shows that the friendship between Davis and Champernown, which ended only with the latter's death, extended over nearly forty years. *Cf. post*, p. 183.

The Index of Volumes I.-IX. of the First Series of the Collections of the Maine Historical Society (p. 72) erroneously calls the Deputy-President son of Isaac Davis of Stroudwater (Falmouth, now Deering), Maine, whose eldest son John, born in 1660, was living, with his younger brother Samuel, in Gloucester, Massachusetts, in 1733 (1 Collections of the Maine Historical Society, i. (edition of 1865) 309; and Babson's History of the Town of Gloucester, Cape Ann, p. 255). Babson, in another place (*Ibid.* p. 333), says:—

"In 1715, a John Davis, with his wife and family, from Ipswich, moved into town. He may have been the person of the same name, son of Isaac of Falmouth, who, in 1734, was living in Gloucester, about seventy-four years old [hence born in 1660]; and the 'old Mr. John Davis' of Sandy Bay, who, in 1748 and for several preceding years, received assistance from the town."

Babson also refers (p. 75) to a John Davis of an earlier generation who "bought of Richard Window, in 1656, his house, barn, orchard and land . . . [and] after a residence of several years in town . . . removed to Ipswich." Whence he came, Babson does not record.

It will be remembered, that the names of Davis, Knowlton, and Sargent, all of which are found early in the County of York, were early names at Cape Ann as well as in Ipswich, and that on the back side of the Cape the Ipswich and Gloucester (Squam and Sandy Bay) families were neighbors; the probability of kinship, therefore, is very strong. As stated in the text, John Davis of Ipswich attended the Deputy-Governor to Cape Ann, in 1642, but on what business the record fails to show. That there was some connection between the Davis families of Ipswich, Gloucester, York and Falmouth there can be no doubt, but precisely what it was can be determined, probably, only by a critical collation of many original public records in several of the towns and counties of Maine and Massachusetts.



John Davis,<sup>1</sup> and by Nicholas Davis,<sup>2</sup> formerly of Charlestown, who was afterward, and for many years, closely and constantly

<sup>1</sup> This man is not known to have been of kin to the Executive; and his age forbids the assumption that he was his son. I believe that he was identical with John Davis of Saco, and that he resided, at different times, in Saco, Agamenticus and Cape Porpoise, and in Portsmouth, New Hampshire. In this view I appear to be confirmed by Mr. James Phinney Baxter, — in his note on John Davis of Saco, on page 329 of *The Trelawney Papers*, where he states that John of Saco was admitted Freeman in 1652. If that be true, he must have been then resident at York and have been admitted simultaneously with the future Deputy-President of the Province, as only two persons of that name were admitted to citizenship at that time or before 1666. Baxter, quoting Folsom, believes John Davis of Saco to have been a smith, because of a contemporary reference to a forge belonging to him. Confirmation of this belief and of my own opinion as to the identity of John Davis of Saco and the second John Davis of York is found in three documents recorded with the York Deeds.

(i) The first instrument is a conveyance by which "John Davis, Sen<sup>r</sup> late of Capeporpoise [Arundel, now Kennebunkport], in y<sup>e</sup> County of York, Blacksmith," for £26.10, sells, "with y<sup>e</sup> Consent of Katherine my wife & my Son John Davis," his half of certain marsh lands at Cape Porpoise and land at Batson's Neck. The deed is dated at Portsmouth, 10 January, 1675-76. (York Deeds, viii. 198, 199.)

(ii) The second paper is given in full, as follows: —

"March 10<sup>th</sup> 1679:

whereas there was some troubles like to arise between Major Clarke & Mr. Rishworth, by reason of John Dauess the Smyths denyng the Sale of a little Poynt of Land on Mr. Gorges Cricke, Where the Saw Mills standeth, & vpon Consideration to Preuent any further trouble, Wee the Selectmen of the Town of Yorke, do Confirme the sd Parcell of Land to Mr. Edw: Rishworth, puided y<sup>r</sup> bee no former Grant to any other Person

Vera Copia, of this Confirmation  
or grant transcribed & with  
originall Compared this  
12<sup>th</sup> day of March 168<sup>3</sup>/<sub>4</sub>

JOHN DAUESS  
RICH<sup>d</sup> BANKS  
JOHN TWISDEN

¶ Edw: RISHWORTH *ReCor:*" (*Ibid.* iii. 120.)

(iii) On the thirty-first of March, 1699, a man of this name, styling himself of Portsmouth, New Hampshire, "smith," sold to James Plaisted of York, who was its Town Clerk, one of its Selectmen, and, in 1701, its Representative to the General Court in Boston, —

"all y<sup>e</sup> Right, title, or Interest I have, euer had, or ought to have either by Town grant, Purchase, Possession, by privilege of Landing place, Hay Yard or by any other ways or

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<sup>2</sup> See Wyman's *Genealogies and Estates of Charlestown*, i. 278; *Maine Wills*, 5, 6; *post*, p. 183; and *Savage's Genealogical Dictionary of New England*, ii. 20, 392; iii. 419.

associated with that John Davis who became the Deputy-President of the Province of Maine.

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meanes whatever, To a certain tract of land lying in York afores<sup>d</sup> in the place called y<sup>e</sup> New Mill creek between y<sup>e</sup> Land of Thomas Moulton & the land of M<sup>r</sup> Edward Rishworth be it more or less as by any means may be made to Appear." (*Ibid.* iv. 154.)

In the acknowledgment, the grantor is described as "Docter John Davis." The words which are here italicised may have been inserted in consequence of the action of the Selectmen of York, 10 March, 1679, quoted above. (*Ibid.* vi. 82, 152; and Province Laws, Massachusetts, vii. 284.)

Baxter says (Trelawny Papers, p. 329, *note*) that John Davis of Saco lived near the Falls, and that his name is perpetuated in a brook near by. He was of the Jury of Trials, in 1650, and later of the Grand Jury; and in 1653, he had grant of a saw mill. These facts show the impossibility of his having been son of Isaac Davis of Stroudwater, as has been also stated, since John Davis, son of Isaac of Stroudwater, was not born until 1660. (1 Collections of the Maine Historical Society, i. (edition of 1865) 309.) *Cf. ante*, p. 176, *note*.

On the thirteenth of August, 1668, John Davis, aged forty-one years (consequently born about 1627), deposed, before Bryan Pendleton, as to his own action, pursuant to Pendleton's order, in the Saco Meeting-house, "after evening exercise" on the "Sabbath-day night next after Yorke Court for the Massachusetts," in warning "the millitary men in our towne" to assemble in the training-place on the following day to hear and see the orders that had come from Boston concerning the future government of the Province of Maine, and also as to the action of Major William Phillips in challenging the authority of Major Pendleton who had been appointed to supersede him in office. (Massachusetts Archives, cvi. 193-198, where also may be read similar Depositions by Robert Booth aged 66, Richard Hitchcock aged 60, John Sergeant aged "near 36," and Roger Hill aged 33,—all sworn to at Saco before Pendleton, 13 August, 1668 — and other documents in this case, which see.) A long letter concerning this controversy between the appointees of the King's Commissioners and the authorities of the Bay, written by Bryan Pendleton from Winter Harbor (Saco), 21 August, 1668, to Major General Leverett, is in *Ibid.* cvi. 196.

John Davis of Saco, beyond question, was a man of scandalous life. The York Court Records (i. 271), under date of 28 June, 1655, contain proceedings involving the honor of John Davis of Winter Harbor (Saco) and Mary, wife of Jonas Clay (*cf.* 1 Collections of the Maine Historical Society, i. (edition of 1865) 372); and 28 June, 1682, having been elected a Deputy to the General Assembly, he was "disaccepted as a scandalous p<sup>r</sup>son." (York Court Records, iv. 16.)

Mr. William P. Upham calls my attention to the fact, that in the Suffolk Court Files (No. 26,163) is a Deposition by John Davis, aged about 52 years, as to his "father Black" and Captain Caleb Preble talking about a suit with "Mr. Woodbridge . . . about twenty-two years ago." The paper is



From what is shown by the records and documents which have here been cited, it does not seem unreasonable to infer, that the John Davis who disappears from the Ipswich Records in or about 1651, is identical with that John Davis of York who signed the Thanksgiving Proclamation which is before us.

Deputy-President John Davis is described by Williamson as "a man of very considerable abilities, natural and acquired"; and he was held in high esteem by his contemporaries, early (1652) enjoying the prefix of respect. In 1652, he actively advocated the union of Maine and Massachusetts. He was long identified with military affairs and had been in command of the militia during the Indian wars, in which he "had distinguished himself as a brave and discreet soldier."<sup>1</sup> He married Mary Puddington, the widow of George Puddington<sup>2</sup> of York. She was "licensed to sell wine"

without date and appears to have been written subsequent to 1700. It is not improbable that the Deponent was the son of John Davis the smith.

In the Massachusetts Archives (xxxviii.b. 148, 149) are two Depositions by John Davis in which he describes himself as "aged aboute thirtie foure yeares." As they were sworn to, before Bryan Pendleton, 18 April, 1654, it would appear that the Deponent was born in or about 1620. Whether he was Deputy-President John Davis of York, who, according to another Deposition, appears to have been born in 1613, or John Davis of Saco, from whose Deposition, in 1668, it appears that he was born in 1627,—or, possibly, a third, and hitherto unknown, John Davis, I am unable to determine. See The Baxter Manuscripts (2 Collections of the Maine Historical Society, iv. 103.)

<sup>1</sup> Williamson's History of the State of Maine, i. 566, 671.

<sup>2</sup> George Puddington and three others were chosen, 19 June, 1640, by the inhabitants of Agamenticus, Deputies to appear and act for them at the General Assembly, on summons by Richard Vines, Steward to Sir Ferdinando Gorges. Puddington attended the first General Assembly which convened at Saco, 25 June, 1640 (York Court Records, i. 65; 1 Maine Historical Collections, i. (edition of 1865) 367; and 1 Massachusetts Historical Collections, i. 101.) On the sixth of August, following, he was indicted by the whole bench for "speaking words:—we hold that the power of our combinacon is stronger than the power of the King." (York Court Records, i. 91.) He was also named one of the first Board of Aldermen of the city of Gorgeana in the First Charter granted by Gorges, 10 April, 1641 (Hazard's State Papers, i. 470-474.) George Puddington appears to have been a son of Robert Puddington, the elder, of Tiverton, in Devonshire, whose will, "expressed" 10 February, 1630-31, is recorded in the Prerogative Court, Canterbury, St. John, quire 49. George Puddington, the son, renounced the executorship 25 April, 1631, and administration was granted, 16 May following, to Anne, the relict, and George Pud-



in 1649. How soon after that date she married Davis does not appear, but on the fifteenth of March, 1661-62, she joined with him in two deeds,<sup>1</sup> describing herself as his wife and formerly the wife of Puddington, who was at York as early as 1640. Davis had two daughters, — Mary,<sup>2</sup> who married Peter

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dington the elder, — a brother of the deceased (Putnam's Historical Magazine for 1899, New Series, vii. 47-53, 140-144, 191-198.) Puddington's wife had borne an unsavory reputation, and was indicted by the whole bench, 8 September, 1640, for impropriety (which she subsequently confessed) with George Burdett, "who had fled from Exeter and had resided at Accomenticus in the character of a preacher." (1 Maine Historical Collections, i. (edition of 1865) 364-366; and Sullivan's History of the District of Maine, p. 309. As to Burdett and his evil deeds, see also York Deeds, iii. (*Preface*) 8; Winthrop's History of New England (edition of 1853), pp. 11, 12, and *notes*; Belknap's History of New Hampshire (edition of 1784), i. 33-36; and Williamson's History of the State of Maine, i. 270, 271.) Puddington was living as late as 3 July, 1647, when he made Deposition (York Deeds, i. (Part II.) 13.) His will, dated 25 June, 1647, for some unaccountable reason, was not recorded till 18 January, 1695-96, when it was entered with *Ibid.* v. (Part I.) 120, 121. It is also printed in Maine Wills, pp. 99-101. In it he mentions his wife Mary as the mother of his five children, — all under twenty-one years of age, — and names her as executrix; gives to elder son John and younger son Elias, land, *etc.*, "where I now dwell in Gorgeana"; to eldest daughter Mary, second daughter Frances, and youngest daughter Rebecca, other property; mentions brother, Robert Puddington, and appoints him, with Mr. Edward Johnson, Mr. Abraham Preble, and Mr. John Alcock, supervisor of his estate.

A reminder of Puddington and his wife which proves that his death occurred between 3 July, 1647, and 5 June, 1649, is found in a List of Debts owing to the estate of Isaac Grosse of Boston, brewer, in 1649: —

"Widdowe Puddington, of Aggamenticus, for moneys owinge by her husband beffore his deceas, 22 lb." (New England Historical and Genealogical Register for 1853, vii. 228.)

This paper has since disappeared from the Suffolk Probate Files.

Of John Puddington, or Purrington, as the record reads, we find that 2 November, 1674, he executed a deed, "with the consent of his Mother Mis Mary Davess," of half an acre of land in York to his "loueing brother in law, John Penwill," mariner. (York Deeds, ii. 160.)

<sup>1</sup> York Deeds, i. 119, — two instruments.

<sup>2</sup> The will of Mary Weare, made 21 January, 1718-19, and proved 7 April, 1719, is printed in Maine Wills, pp. 213, 214. Administration on her husband's estate had been granted to her at a Court of Sessions held at York, 1 November, 1692, when she gave Bond in £462 (York Deeds, v. (Part II.) 15), and swore to an Inventory of the estate of her husband, "lately deceased," dated at York 18 April, 1692, amounting to £231.13.0. (*Ibid.* v. (Part I.) 80.)

Weare, Treasurer of the County of York,<sup>1</sup> and Sarah, the wife of John Penwill, of York, mariner, but I can learn of no other children.

On Saturday, the twentieth of November, 1652, Mr. Nicholas Davis and Mr. John Davis were required by the Massachusetts Commissioners to summon the inhabitants of Gorgeana (York) to meet them at the house of the first-named citizen on the following Monday morning, between seven and eight o'clock, and submit themselves to the government of the Colony of the Bay.<sup>2</sup> The two Davises, and another John Davis, as already mentioned, submitted with the other inhabitants; and on the same day that John Davis who was destined to become Deputy-President of the Province of Maine, was licensed to keep an ordinary at York<sup>3</sup> and was also appointed Sergeant.<sup>4</sup> In 1653 he was one of the Commissioners

On the twenty-ninth of May, 1704, the Probate Court granted —

"Administration to Mrs. Mary Weare, of York, on the estate of her brother-in-law Mr. Joseph Penewell, of York, deceased, intestate, the relict widow of sd Penewell being *non compos mentis*." (York Probate Records, i. 92.)

See Maine Historical and Genealogical Recorder, iii. 133; and York Deeds, ii. 160, 164.

<sup>1</sup> Peter Weare was also Town Clerk and a Selectman of York, Recorder of the County and, later, an Associate. In 1660, he was a Deputy to the General Court, at Boston, from Kittery, although a resident of York. (York Deeds, ii. (Preface) 7, 8, which contain a sketch of Weare; and Massachusetts Colony Records, iv. (Part I.) 449.)

<sup>2</sup> Massachusetts Colony Records, iv. (Part I.) 128-132.

<sup>3</sup> This fact was animadverted upon many years after by Dr. Benjamin Bulivant, an ardent supporter of the Andros régime, who suffered imprisonment at the uprising of the people on the eighteenth of April, 1689: —

"One Davis, a common Alehouse keeper, proposed to be Deputy President of the Province of Maine with the title of Major; the people refuse him obedience." (Bullivant's Journal, under date of 19 February, 1689-90, in Public Record Office, London, Board of Trade Papers, v. 32.)

I am indebted to Charles E. Banks, M.D., a descendant of the Deputy-President, for this extract. Cf. 1 Proceedings of the Massachusetts Historical Society, xvi. 103, 108.

<sup>4</sup> 2 Collections of the Maine Historical Society (The Baxter Manuscripts), iv. 33, 64. Davis's promotion in the militia followed in due course. He was Ensign in 1654, Lieutenant in 1659, Captain in 1665, Sergeant-Major in 1680, and Major in 1683. (York Court Records; Massachusetts Colony Records; and York Deeds, iii. 125.)

to settle the bounds between York and Kittery.<sup>1</sup> He subsequently signed the Petition of the inhabitants of York, Wells, Saco, and Cape Porpoise to Cromwell, 12 August, 1656, praying to be continued under the government of Massachusetts;<sup>2</sup> and later, at the Restoration, he joined in a Petition to Charles II. praying for a government of their own.<sup>3</sup> From 1658 till 1660 he was Marshal of the County of York.<sup>4</sup> He had held the office, *pro tempore*, in 1657, during the absence in England of Henry Norton,<sup>5</sup> who had been chosen to it 22 November, 1652.<sup>6</sup> On the assumption of the government of the Province by the King's Commissioners, Sir Robert Carr addressed a warrant to Captain John Davis, 2 July, 1665, to summon his company to appear in arms, in the Training-field, on the following Tuesday morning, "there to attend further order."<sup>7</sup>

On the fifteenth of April, 1668, Edward Rishworth and Francis Champernown issued a warrant to apprehend Peter Weare and Francis Raynes and to secure their papers. On the twenty-fourth of April, Weare wrote a letter to Captain William Waldron, soliciting his aid in securing his liberty. In it he alleges ill-treatment at the hands of the Marshal and Captain John Davis who enforced the process and took away a letter, addressed to Thomas Danforth and signed by many inhabitants of York, praying to be taken under the government of Massachusetts. Weare gives an account of what occurred at Davis's house, where, he says, Davis was guilty of "vsing very vnseuel Words & prbbrowes Langwig Calling him Base knaue & cripell Cur & w<sup>th</sup> a viulent punch w<sup>th</sup> his fist threu him viallently vpon y<sup>e</sup> ground littell short of ye fiare."<sup>8</sup> It is

<sup>1</sup> Massachusetts Colony Records, iii. 402.

<sup>2</sup> 1 Collections of the Maine Historical Society, i. (edition of 1865) 392-395; 2 Collections of the Maine Historical Society (The Baxter Manuscripts), iv. 141; and Williamson's History of the State of Maine, i. 389, *note*.

<sup>3</sup> 2 Collections of the Maine Historical Society (The Baxter Manuscripts), iv. 148. Many documents relating to the contest for jurisdiction in the Province of Maine are described in Sainsbury's Calendar of State Papers, Colonial Series, America and West Indies, *passim*.

<sup>4</sup> York Court Records, i. 314, 349.

<sup>5</sup> *Ibid.* i. 302. Davis took the oath of office on the third of October.

<sup>6</sup> Massachusetts Colony Records, iv. (Part I.) 130.

<sup>7</sup> *Ibid.* iv. (Part II.) 252.

<sup>8</sup> 2 Collections of the Maine Historical Society (The Baxter Manuscripts), iv. 211-214. Our associate, Mr. Albert Matthews, calls my attention to a similar



interesting to note, that after this altercation the two men probably became reconciled, because, as we have seen, Weare subsequently married Davis's daughter Mary. In the will of Nicholas Davis of York, before mentioned, made 27 April, 1667, and recorded 17 August, 1670, he appoints "my Loueing frejnds Cap<sup>t</sup> John Davess & Mr. Peter Weare" to be the overseers of his estate.<sup>1</sup> A similar expression of confidence in John Davis is found in the will of Francis Champernown who, in 1686, included him among *his* "loving friends" who are named overseers under that instrument.<sup>2</sup>

In 1662, 1665, 1675, 1676, 1679, and, doubtless, in other years, John Davis was one of the Selectmen of York;<sup>3</sup> and in his judicial capacity, as a Magistrate, he constantly held court at various places within the Province,<sup>4</sup> in 1680 holding a Special Court of Admiralty,<sup>5</sup> and in May, 1684, sitting at Wells as Chief Justice.<sup>6</sup>

In 1683 Davis had attained to the military rank of Major, and is so styled in a deed which he gave to James Freathy of York on the eighth of December of the following year.<sup>7</sup> On the eighth of September, 1685, with Francis Hooke, also a member of the Standing Council of Maine, and Deputy-Governor Barefoot and three of the New Hampshire Council, he signed the Articles of

episode, in 1685, described in New Hampshire Provincial Papers, i. 578-582, showing how violent men were in those days. The parties to it were Thomas Wiggin, Robert Mason, and Walter Barefoot. Wiggin threw Mason into the fire, from which he was rescued by Barefoot; whereupon Wiggin threw Barefoot (whose sister he had married) into the fire, but was pulled off by Mason.

<sup>1</sup> Maine Wills, pp. 5, 6.

<sup>2</sup> *Ibid.* 121-123. Cf. *ante*, p. 176, note.

<sup>3</sup> York Deeds, i. 130; ii. 74; iii. 120; and 2 Collections of the Maine Historical Society (The Baxter Manuscripts), iv. 369, 370. On the twenty-sixth of July, 1684, President Danforth executed a deed to Major John Davis, Mr. Edward Rishworth, Captain Job Alcock, and Lieutenant Abraham Preble, as Trustees, on behalf of the Inhabitants of the Town of York, confirming to them the grant of Sir Ferdinando Gorges. The existence of this deed was long doubted. It is printed, from a copy in the Society's Cabinet, in 2 Proceedings of the Massachusetts Historical Society, v. 433-435.

<sup>4</sup> York Court Records, *passim*.

<sup>5</sup> *Ibid.* iv. 223.

<sup>6</sup> *Ibid.* iv. 163.

<sup>7</sup> York Deeds, iv. 30. Mr. William P. Upham sends me a memorandum of a paper in the Suffolk Court Files (No. 1806). It is a copy, certified by William Pepperell, Clerk, of a Grant to Capt. John Daves, dated 7 June 1673, of fifty acres on the north-east side of Robert Sowdon's land, "being part of ye sd Daves's former dividant," signed by Edward Rish'worth.

Peace agreed upon between the inhabitants of those Provinces and the Indians inhabiting them.<sup>1</sup>

The date of John Davis's death has not been ascertained. He attended, officially, as Deputy-President, a Court of Pleas held at York 25 February, 1690-91.<sup>2</sup> At a Court of Sessions, held 2 June, 1691,<sup>3</sup> and at a Court of Pleas, held at York, 1 July, 1691, "the Deputy-President" was in official attendance, although his *name* is not recorded, as was usually the case. At the Court held on the last-mentioned date, it was ordered that a Court of Sessions of the Peace should be held at York on the first Tuesday of October, and a Court of Pleas at the same place on the following day.<sup>4</sup> At the Court of Sessions held at York 6 October, 1691, there were present, Captain Francis Hooke, "Deputy President,"<sup>5</sup> Major Charles Frost, and Mr. Samuel Wheelwright; and Administration was granted to Mary Daves upon the estate of her husband, Major John Daves,<sup>6</sup> late of York. At the same time she made oath to an Inventory of the estate amounting to £344.19.0, and gave Bond in £689.18.0.<sup>7</sup>

The latest reference to John Davis that I have found is in the record of a "Memorandum" made 1 April, 1691, by Jane Withers, widow of Thomas Withers, which was witnessed by Davis and another, and sworn to ten years later (13 June, 1701) at Kittery.<sup>8</sup> It thus appears that John Davis died between the first of April and the sixth of October, 1691.

The career of John Davis presents an interesting study in character. The York Court Records and the York Deeds are the principal sources of information concerning him that remain, — the Town and Church Records having perished. In middle life

<sup>1</sup> Belknap's History of New Hampshire (edition of 1784), i. Appendix xlv. pp. lxxix-lxxx; and New Hampshire Provincial Papers, i. 588, 589.

<sup>2</sup> York Deeds, v. (Part II.) 8.

<sup>3</sup> *Ibid.* v. (Part II.) 10.

<sup>4</sup> *Ibid.* v. (Part II.) 11.

<sup>5</sup> *Ibid.* v. (Part II.) 11, 12. Hooke also attended, in the same capacity, a Court of Pleas held at York on the following day; and the Inventory of Shubael Dummer's estate was sworn to by George Snell, at Kittery, 19 March, 1691-92, before Francis Hooke, Deputy-President, and John Wincoll, Justice of the Peace (*Ibid.* v. (Part I.) 72).

<sup>6</sup> The spelling of Davis's name in the contemporary original records shows many curious variations.

<sup>7</sup> York Deeds, v. (Part II.) 11.

<sup>8</sup> *Ibid.* vi. 96.

his animal spirits appear to have been under slight control, and we read in the Court Records the evidence of baleful intemperance, not only in appetite, but in deportment and speech;<sup>1</sup> of his presentment (1653) "for selling beer by wine quart" (i. 248); of his "affronting the Court [in June, 1654] by giving unseemly speeches with his hatt on" (i. 268)<sup>2</sup>; of his discharge from the office of Marshal in 1660 (i. 349); of his "rideing one Lord's day from Wells to York" (July, 1661) with Major Nicholas Shapleigh and others (i. 361); and of his presentment, with two others, "for neglect of y<sup>r</sup> dutys to which they were bound by oath for not voateing for Gover: Deputy Gover: Magestrates & officers for carrying on authority amongst us" (i. 404).

After 1670, however, the Records tell a very different story. Davis appears to have gained control of his temper and his appetites, and from that time until his death he rose constantly in the public esteem, of which he had always had a large share, notwithstanding his infirmities. As early as 1658, he appeared in Court, at York, as attorney for Edward Hutchinson, of Boston, in an action of debt (i. 303); in 1670 he was of a Committee, with Edward Rishworth and others, to locate the "meeting-house at the lower part of the river Pischatq<sup>r</sup>" (ii. 412, 413); at various times, between 1674 and 1679, he was a Commissioner to canvass the vote for public officers; in 1680 he was of a Commission which was ordered speedily to "repayre to y<sup>e</sup> Eastward & settle the concerns thereof according to y<sup>r</sup> best understanding of the premises" (iv. 218, 219); and on the twelfth of April, 1682, he was ordered by the Council to go, with three others, to Casco and settle matters respecting Fort Loyal<sup>3</sup> (iv. 259).

<sup>1</sup> York Court Records, i. 268; ii. 40, 331, 336, 389, 409. While the evidence afforded by the entries here cited fully sustains the statement in the text, it has not seemed desirable to transfer to print the details of sanguinary altercations, inebriety, and other offences for which Davis incurred heavy fines and penalties imposed by the Courts.

<sup>2</sup> It thus appears that Davis had early imbibed Quaker doctrines which at that time were causing the banishment of many Massachusetts families to the Eastward as well as to the South. It is possible that we have here the reason for his removal from Ipswich to York, especially when we remember that General Daniel Denison, the foremost citizen of Ipswich, was severe in his opinions and actions against the Quakers. See Publications of this Society, i. 127, 139; Plymouth Colony Records, x. 180, 181; and Felt's History of Ipswich, pp. 165, 224.

<sup>3</sup> See Williamson's History of the State of Maine, i. 539, 540, 563.



These special services are noted to show the confidence reposed in Davis by his associates in authority. More interesting and suggestive are the references to him in connection with the inconspicuous and every-day matters which got into these ancient records. Serving upon all kinds of Juries, — not infrequently as Foreman, — he was also constantly employed as a Commissioner to lay out roads, to settle the boundaries of towns and of private estates, and to set off dower; as a referee in disputed matters, and as an appraiser of estates. He was often bondsman for administrators and executors, and an overseer of wills; and the records preserve ample evidence of his helpfulness to others having the care or administration of property. They also reveal his constant service to Town and County upon committees of every kind, dealing not only with great and important matters, but also with the most humble affairs of life.

As we take our leave of this faithful public servant, in the full tide of official honor and of the public confidence, we see that for more than twenty years, and until his death, he was a prominent figure in the Province, rendering valuable service in the field, as a Magistrate, and, in private life, as a public spirited citizen. Occupying the foremost place in business, in public affairs, and in the administration of justice, we find Courts, Councils, and Commissioners frequently convened at his house. Danforth was seldom present at any sitting of the Magistrates, but Davis was almost invariably in attendance, and was, in fact, the head of the Administration, as well as the most distinguished citizen of York.

